

CHAPTER II: ENVIRONMENTAL REVIEWS

OVERVIEW

The purpose of the Environmental Review is to analyze the effect the proposed project will have on the people and the natural environment within the project area. This process examines a project relative to the National Environmental Policy Act of 1969 (NEPA). NEPA was established to ensure environmental protection for federally funded projects. All Community Development Block Grant (CDBG) funds are also subject to the provisions of the Housing and Urban Development (HUD) regulations implementing NEPA.

In short, Environmental Reviews are necessary because they:

- ensure the project site is suitable for the activity being proposed;
- avoid or mitigate any harm to the surrounding environment and project site;
- protect health and safety, avoid or mitigate impacts that may harm local residents;
- prevent time delays and cost overruns that might otherwise occur because of unknown environmental conditions;
- avoid litigation that could stop the project on environmental grounds;
- avoid monitoring findings and/or loss of HUD financial assistance to the project;
- are required by Federal Law & Regulations under the National Environmental Policy Act of 1969 (NEPA) and NEPA related laws.

If any CDBG funding is utilized for any part of the proposed project, the entire project must be held to the Environmental Review regulations listed in the Federal laws and Regulations section.

The type of project a Grantee is managing will determine the level of Environmental Review and the necessary documentation that will be required. All Environmental Review procedures must be completed and approved prior to the issuance of a Notice to Proceed. No money should be spent on the project until a Notice to Proceed has been issued by the Nevada Governor's Office of Economic Development (GOED)

This chapter covers environmental regulations that must be followed on all CDBG funded projects. A chart, Environmental Review Process (Exhibit 1), provides an overview of the processes for each level of environmental review. For every project and Environmental Review, there are basic steps that are necessary to correctly complete the review. The steps are:

- 1) **Designate the Environmental Review Officer and Certifying Officer** – Each Grantee, assuming the position of Responsible Entity (RE), must designate an Environmental Review Officer (ERO) who is responsible for completing the Environmental Review process. The Certifying Officer (CR) is the Chief Elected Official of the unit of general local government. (For more information, see Roles and Responsibilities).
- 2) **Develop Project Description and Apply the Concept of Aggregation** – The Grantee should evaluate the entire scope of the project and include all funding sources that may be used in association with the project. The project scope should include any related activities necessary to accomplish the project.
- 3) **Determine the Level of Review** – The Grantee must determine which level of Environmental Review is appropriate for the overall project.

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- 4) **Documentation** – The Grantee must complete all documents necessary for the appropriate level of Environmental Review. These documents ultimately become the Environmental Review Record (ERR).

FEDERAL LAWS AND REGULATIONS

National Environmental Policy Act (NEPA) and implementing regulations of the Council on Environmental Quality (40 CFR Parts 1500 – 1508).

NEPA ensures that environmental information is available to the public before decisions are taken and before actions are taken. It requires a systematic, interdisciplinary approach to Environmental Reviews, and helps officials make decisions with an understanding of environmental consequences.

HUD Regulations at 24 CFR Part 58: Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities.

- 24 CFR 58.34 - Regulations governing Exempt activities.
- 24 CFR 58.35(a) - Defines Categorically Excluded Subject To 24 CFR Part 58.5 (CEST)
- 24 CFR 58.35(b) - Defines Categorically Excluded Not Subject To 24 CFR Part 58.5 (CENST)
- 24 CFR 58.36 & 58.40 – Refers to Environmental Assessments
- 24 CFR 58.37 – Refers to Environmental Impact Statements
- 24 CFR 58.38 - Defines requirements for the Environmental Review Record (ERR)

These regulations allow units of general local government (the Responsible Entity) to perform NEPA responsibilities that would otherwise apply to HUD.

NEPA Related Laws and Authorities (Ref. 24 CFR Part 58.5 and 24 CFR Part 51).

- National Historic Preservation Act (1966)
- Floodplain Management & Wetlands Protection: Executive Orders (1977)
- Coastal Zone Management Act of 1972
- Safe Drinking Water Act (1974)
- Endangered Species Act (1973)
- Wild & Scenic Rivers Act (1968)
- Clean Air Act (1970)
- Farmland Protection Policy Act (1981)
- HUD Environmental Criteria & Standards
 - Noise Abatement and Control
 - Near Explosives or Flammable Sites
 - Near Airport Runway Protection Zones
 - Near Toxic Hazards
- Environmental Justice E.O. (1994)
- Noise Control Act (1972)

Further information on applicable regulations is provided at the end of this chapter.

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ROLES AND RESPONSIBILITIES

The Grantee is the **Responsible Entity (RE)**. This is the entity at the local level that assumes responsibility for the environmental review, decision making, and action according to NEPA and Part 58.

The **Environmental Review Officer (ERO)** manages the entire Environmental Review process and serves as point of contact for public inquiries. Typically, the CDBG Contact is designated as the Environmental Officer.

The **Certifying Officer (CO)** is the Chief Elected official of the Responsible Entity, or other official who has the authority to consent on behalf of the Chief Elected Official to federal court jurisdiction, and bind the RE to satisfy any judgment about the environmental record. The CR assumes responsibility by signing off on the Environmental Review.

It is recommended to start the Environmental Review process as early as possible. Environmental Reviews can take from 1 day to 120 days to complete depending on the complexity of the project. Also, it must be stressed that no action, in terms of project implementation, should be taken until the Environmental Review process is complete and the Notice to Proceed is issued.

PROJECT DESCRIPTION AND THE CONCEPT OF AGGREGATION

The Environmental Officer should evaluate the entire scope of the project and include all funding sources that may be used in association with the project. Defining the project should include determining all integrally related activities designed to accomplish the project objectives. All activities that are related either geographically or functionally, or are logical parts of a composite of contemplated actions, should be aggregated in the project definition and evaluated as a single project.

It is necessary for the Grantee to describe the project fully and include all details, including, but not limited to, any infrastructure being developed in conjunction with the project, regardless of whether or not that additional portion of the project is being funded with CDBG funds. The following questions might be asked:

- What is the scope of the project?
- What activities will be included?
- What is the location?
- What are the characteristics of the location of the project?

The use of maps and photographs is strongly encouraged in defining the project.

Most projects funded under the CDBG program entail more than one activity. For example, a new wastewater treatment plant would have both administrative and construction related activities. In projects with multiple activities the Environmental Review must be completed utilizing the highest level of review relative to the activities in the project.

DETERMINING THE LEVEL OF REVIEW

The Grantee must determine which level of Environmental Review is appropriate for the project in order to correctly complete the necessary documentation. Determining the activity classification is the

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responsibility of the Grantee's Environmental Review Officer. To do this, the Environmental Review Officer must list all of the activities associated with the project and determine the highest level of review.

Each level of Environmental Review is defined by HUD. The three main environmental classifications are:

- 1) **Exempt Activities** – 24 CFR 58.34 (a);
- 2) **Categorically Excluded Activities**
 - Not Subject To 24 CFR Part 58.5 (CENST) – 24 CFR Part 35 (b)
 - Subject To 24 CFR Part 58.5 (CEST) – 24 CFR Part 35 (a)
- 3) **Environmental Assessment Activities** – 24 CFR Part 58.36 and 58.40

In addition to the three main classifications, another environmental classification is the **Environmental Impact Statement (EIS)** – 24 CFR Part 58.37. The EIS comprehensive review is for those projects that are large in scope and will have a significant environmental impact. Environmental Impact Statements are almost never used in the CDBG program.

Regardless of the number of activities associated with the project, it is only necessary to complete one Environmental Review; this is due to project tiering. The different *Levels of Environmental Review* are summarized in a chart (Exhibit 2).

EXEMPT ACTIVITIES

These are activities that are exempt from the requirements of NEPA and the federal laws listed at 24 CFR 58.5. An activity has an Exempt classification when there is no effect whatsoever on the physical environment. Project activities that fall under this classification include the following:

- Environmental and other studies, resource identification and the development of plans and strategies;
- Information and financial services;
- Administrative and management activities;
- Public services that will not have a physical impact or result in any physical changes, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs;
- Inspections and testing of properties for hazards or defects;
- Purchase of insurance;
- Purchase of tools;
- Grant Administration;
- Engineering or design costs;
- Technical assistance and training;
- Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety including those resulting from physical deterioration; and
- Payment of principal and interest on loans made or obligations guaranteed by HUD.

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If the proposed project entails exempt only activities, the Environmental Review process is simple. The Grantee does not have to publish a Finding of No Significant Impact (FONSI), or a Notice of Intent/Request for Release of Funds (NOI/RROF), or submit a Request for Release of Funds and Certification (RROF/Certification) Form. The Grantee is required to take the following steps:

- 1) **Exempt Activity Notification:** Submit the form titled *Environmental Review for Activity/Project that is Exempt or Categorically Excluded Not Subject to Section 58.5 [pursuant to 24 CFR Part 58.34 (a) and 58.35 (b)]* (Exhibit 3). Ensure that narrative is provided for all sections, even if “No” is checked. The purpose of this form is to provide essential information regarding the project. Narrative and maps should exhibit a clear picture of the project. This form is signed by both the Preparer and the Certifying Officer.

CATEGORICALLY EXCLUDED ‘NOT SUBJECT TO’ (CENST) ACTIVITIES

A project that has been classified as CENST requires a limited Environmental Review. Activities that qualify under this classification include the following:

- Tenant-based rental assistance;
- Supportive services including, but not limited to, health care, housing services, permanent housing placement, day care, nutritional services, short-term payments for rent/mortgage/utility costs, and assistance in gaining access to local, state, and federal government benefits and services;
- Operating costs including maintenance, security, operation, utilities, furnishings, equipment, supplies, staff training and recruitment and other incidental costs;
- Economic development activities, including but not limited to, equipment purchase, inventory financing, interest subsidy, operating expenses and similar costs not associated with construction or expansion of existing operations;
- Activities to assist homebuyers with the purchase of existing dwelling units or dwelling units under construction, including closing costs and down payment assistance, interest buy downs, and similar activities that result in the transfer of title;
- Affordable housing pre-development costs including legal, consulting, developer and other costs related to obtaining site options, project financing, administrative costs and fees for loan commitments, zoning approvals, and other related activities which do not have a physical impact; and
- Approval of supplemental assistance (including insurance or guarantee) to a project previously approved under this part. If the approval is made by the same responsible entity that conducted the Environmental Review on the original project, re-evaluation of the environmental findings is not required.

If the proposed project is determined to be CENST, the Environmental Review process is simple. The Grantee does not have to publish a Finding of No Significant Impact (FONSI), or a NOI/RROF, or submit a Request for Release of Funds and Certification (RROF/Certification) Form. The Grantee is required to take the following steps:

- 1) **CENST Activity Notification:** Submit the form titled *Environmental Review for Activity/Project that is Exempt or Categorically Excluded Not Subject to Section 58.5 [pursuant to 24 CFR Part 58.34 (a) and 58.35 (b)]*. Ensure that narrative is provided for all sections, even if “No” is checked. The purpose of this form is to provide essential information regarding the project.

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Narrative and maps should exhibit a clear picture of the project. This form is signed by both the Preparer and the Certifying Officer.

CATEGORICALLY EXCLUDED 'SUBJECT TO' (CEST) ACTIVITIES

A project that is considered CEST requires a more detailed environmental review (Exhibit 4). Activities that qualify under this classification include the following:

1. Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities, and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent (e.g., replacement of water or sewer lines, reconstruction of curbs and sidewalks, repaving of streets);
2. Special projects directed to the removal of material and architectural barriers that restrict the mobility of, and accessibility to elderly and handicapped persons;
3. Rehabilitation of buildings and improvements when the following conditions are met:
 - i) In the case of a building for residential use (with one to four units), the density is not increased beyond four units, the land use is not changed, and the footprint of the building is not increased in a floodplain or in a wetland,
 - ii) In the case of multifamily residential buildings when:
 - (a) Unit density is not changed more than 20 percent,
 - (b) The project does not involve changes in land use from residential to non-residential, and
 - (c) The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation,
 - iii) In the case of non-residential structures, including commercial, industrial, and public buildings when:
 - (a) The facilities and improvements are in place and will not be changed in size or capacity by more than 20 percent, and
 - (b) The activity does not involve a change in land use, such as from nonresidential to residential, commercial to industrial, or from one industrial use to another;
4. Rehabilitation of buildings and improvements does not apply when the following conditions are met:
 - i) An individual action on up to four dwelling units where there is a maximum of four units on any one site. The units can be four one-unit buildings or one four-unit building or any combination in between, or
 - ii) An individual action on a project of five or more housing units developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than four housing units on any one site;
5. Acquisition (including leasing) or disposition of, or equity loans on an existing structure or acquisition (including leasing) of vacant land provided that the structure or land acquired, financed, or disposed of will be retained for the same use; and
6. Combinations of the above activities.

If the proposed project entails any Categorically Excluded activities, the Grantee is required to complete the following steps:

- 1) **Review by External Agencies:** the Grantee should send the detailed project description (referred to earlier) to the prescribed list of external reviewers (per §58.5) for comment. A list of

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the external reviewers, and templates for the covering letter and response format, are provided as Exhibits 5, 6, and 7.

Reviewers are expected to respond within 30 days but it is the Grantee's responsibility to ensure all reviewers respond with their comments. Some reviewers are known to be slower in responding than others. When all the responses have been received, the Grantee should read and review the responses carefully, and determine if any mitigation measures are recommended.

- 2) **Complete Statutory Worksheet:** if there are no mitigation measures recommended by the external reviewers, the project essentially converts to Exempt and the Grantee should complete the prescribed form titled *Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5 [Pursuant to 24 CFR 58.35 (a)]* (Exhibit 4). When complete, and signed by the appropriate parties, the Grantee should submit the Statutory Worksheet to GOED complete with:
 - the project description as sent to the reviewers (complete with maps, diagrams, photographs etc.), and
 - copies of the response letters from the reviewers.

There are no publication requirements when a CEST project converts to Exempt. GOED CDBG staff will review the *Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5 [Pursuant to 24 CFR 58.35 (a)]* and attachments. Assuming everything is in order, a Notice to Proceed will be sent to the Grantee.

- 3) **Responding to Mitigation Recommendations:** if any of the reviewers conclude that mitigation measures are required, the project does not convert to Exempt. The Grantee must prepare a mitigation plan, follow the publication steps described below, and submit the Statutory Worksheet and attachments, the mitigation plan and publication details to GOED for final approval.
- 4) **Floodplain Notification:** if any part of the project is within a floodplain, the Grantee must conduct the HUD 8 Step Decision Making Process. See Section 2.11 of this chapter for more information.
- 5) **Publication of Notice of Intent:** the Grantee should prepare a 'Notice of Intent to Request Release of Funds' (NOI-RROF) that details the activities associated with the project and publish this notice in a newspaper of general circulation. See Environmental Exhibit 9. The public comment period is 7 days from the day after publication, if placed in a newspaper, or 10 days if posted on a public noticeboard at or near to the project site.
- 6) **Request Release of Funds:** during the 7-day period, the Grantee should acquire the affidavit for the NOI-RROF from the newspaper publisher, and collect and respond to any local comments on the proposed project. After completion of the 7-day period, the Grantee must forward a copy of the newspaper notice, the publisher's affidavit, any local comments on the project, and the RROF/Certification Form – Environmental Exhibit 10 - to GOED. The RROF/Certification should be signed by the Certifying Officer. GOED CDBG staff will hold the request for fifteen days to allow additional public comment at the state level. After the fifteen days have

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elapsed, assuming no negative comments are received, GOED CDBG staff will issue the Notice to Proceed and the Authority to Use Grant Funds (Environmental Exhibit 14).

It is important to remember that the mitigation plan referred to above must be implemented by the Grantee in the course of implementing the overall project.

ENVIRONMENTAL ASSESSMENT ACTIVITIES

A project that cannot be classified as Exempt, CENST, or CEST, but is classified under 24 CFR 58.36 requires the completion of an (EA) (Exhibit 8). These activities are usually those that have a direct impact on the physical environment. **Any new construction and improvements of more than 20% in size or capacity would fall under this classification.**

As with the CEST Environmental Review, if the proposed project entails any EA activities, the Grantee must prepare and maintain a written record of the Environmental Review undertaken for the project. This is similar to but more detailed than the CEST review outlined above.

To complete the EA, the Grantee must undertake the following steps.

1. Environmental Packet Preparation: the Grantee's Environmental Review Officer must first put together a packet of information that fully explains the activities associated with the proposed project. See earlier Section 2.4. This packet should include a project narrative with maps and photographs depicting the project site. The following maps could be used:

- a United States Geological Survey (USGS) topographical map,
- a floodplain map,
- a wetland map (if applicable),
- a soils map (if applicable).

The project description from the original grant application could be used or other narrative that fully describes the proposed project.

2. Review by External Agencies: the Grantee should be familiar with the Environmental Assessment Form that needs to be completed at the end of the EA process. (Exhibit 8). To satisfy the requirements of this form, the Grantee should start by sending the above environmental packet to the appropriate local, state and federal agencies requesting an environmental response. The applicable agencies are listed in Exhibit 5. In addition to this list of reviewers, the Grantee should seek comments from other local experts, engineers and etcetera: those familiar with the project and project site.

3. Floodplain Notification: if any part of the project is within the floodplain, the Grantee must conduct the HUD 8 Step Decision Making Process. See Section 2.11 of this Chapter for more information.

4. Environmental Response Collection: if any environmental response raises project concerns or requires further documentation or study, it is the Grantee's responsibility to clarify the concerns and/or obtain further documentation. For example, if SHPO requires an archeological survey to be performed where construction is proposed in an 'undisturbed' area, the Grantee must complete the study and obtain the final SHPO letter prior to completing the Environmental Assessment submission to GOED.

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5. Complete the Environmental Assessment (EA) Form and Environmental Review Record (ERR): once all the environmental responses have been received and all concerns addressed and/or studies completed, the Grantee may use the information contained in the responses to complete the form titled *Environmental Assessment Determinations and Compliance Findings for HUD-assisted Projects 24 CFR Part 58* (Environmental Document 8). The completed EA form is submitted to GOED CDBG staff for review and approval.

6. FONSI/FSI Determination: once the Environmental Assessment Form and the Environmental Review Record have been completed and approved, and assuming the project activities have been found to have no negative impact on the environment, the Grantee can declare a Finding of No Significant Impact (FONSI). If the project is found to have a negative impact on the environment, the Grantee should contact the GOED CDBG staff for further direction.

7. Publication of Finding of No Significant Impact (FONSI) and Combined Notice: if the project activities are determined to have no significant impact on the environment, the Grantee can prepare and publish a FONSI public notice **OR** publish a FONSI/NOI-RROF notice, also called the Combined Notice. The Combined Notice is recommended and the public comment period is 15 days, counting from the day after publication in the local newspaper. The chosen notice should be published in a newspaper of general circulation. Use Environmental Exhibit 9 for the Combined FONSI/NOI-RROF advertisement.

8. Request for Release of Funds: during the 15-day notice period, the Grantee should acquire the affidavit for the FONSI/NOI-RROF from the newspaper publisher, and collect and respond to any local comments on the proposed project. After completion of the 15-day period, the Grantee must forward a copy of the newspaper notice, the publisher's affidavit, any local comments on the project, and the RROF/Certification Form (Exhibit 11) to GOED. The RROF/Certification should be signed by the Certifying Officer. GOED CDBG staff will hold the request for fifteen days to allow additional public comment at the state level. After the fifteen days have elapsed, assuming no negative comments are received, GOED CDBG staff will issue the Notice to Proceed and the Authority to Use Grant Funds (Exhibit 12).

ENVIRONMENTAL IMPACT STATEMENT

If the proposed project is determined to have a potentially significant impact on the physical and/or human environment, an Environmental Impact Statement (EIS) is required. This determination is based upon the environmental responses collected from the applicable agencies.

In the event that this situation does occur, the Grantee must contact GOED CDBG staff and discuss possible means of mitigation and/or project modifications.

PROCEDURES FOR MAKING DETERMINATIONS ON FLOODPLAIN AND WETLAND MANAGEMENT: THE 8 STEP DECISION MAKING PROCESS

Projects located within a floodplain or within a designated wetland are subject to Executive Order 11988 (Floodplain Management) and Executive Order 11990 (Protection of Wetlands) respectively (Exhibit 13). HUD regulations describe measures for protecting floodplains and wetlands. The required 8-Step Process is explained below:

Step 1: Determine whether the proposed action is located in a 100-year floodplain and/or wetland. The Nevada Division of Environmental Protection can advise on this, or Grantees can check at <http://www.fws.gov/wetlands/Data/Mapper.html> and on Federal Emergency Management Agency

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(FEMA) Floodplain Maps. If the proposed action is not in one of those locations, no further compliance with this part is required. Please note, Categorically Excluded projects are NOT excluded from this process.

Step 2: Notify the public at the earliest possible time of a proposal to consider an action in a floodplain and/or wetland, and involve the affected and interested public in the decision making process. This is accomplished by publishing the Early Public Review Notice.

a. The public notices required in this section may be combined with other project notices wherever appropriate. All notices must be published in an appropriate local printed news medium. See Exhibit 14 for a sample notice.

b. A minimum of 15 calendar days shall be allowed for comment on the public notice.

c. A notice under this paragraph shall state: the name, proposed location and description of the activity, the total number of acres of floodplain and/or wetlands involved, and the name of the Chief Elected Official (CEO), and phone number to contact for information. The notice shall indicate the hours and the Grantee's main office at which a full description of the proposed action may be reviewed.

Step 3: Identify and evaluate practical alternatives to locating the proposed action within the floodplain and/or wetland.

a. The consideration of practical alternatives to the proposed site or method may include:

- i. Locations outside the floodplain and/or wetlands;
- ii. Alternative methods to serve the identical project objective; and
- iii. A determination not to approve any action.

b. In reviewing practical alternatives, GOED or the Grantee shall consider feasible technological alternatives, hazard reduction methods and related mitigation costs, and environmental impacts.

Step 4: Identify the potential direct and indirect impacts associated with the occupancy or modification of the floodplain and/or wetland.

Step 5: Where practical, design or modify the proposed action to minimize the potential adverse impacts within the floodplain and/or wetland and to restore and preserve its natural and beneficial values.

Step 6: Re-evaluate the proposed action to determine:

a. Whether it is still practical in light of its exposure to flood hazards in the floodplain, the extent to which it will aggravate the current hazards to other floodplains and/or wetlands, and its potential to disrupt floodplain and/or wetland values; and

b. Whether alternatives preliminarily rejected at Step 3 of this section are practical in light of the information gathered in Steps 4 and 5 of this section.

Step 7: Publish the final Notice of Explanation.

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a. If the reevaluation results in a determination that there is no practical alternative to locating the proposed project in the floodplain and/or wetland, the Grantee shall publish the Final Notice of Explanation that includes:

- i. The reasons why the project must be located in the floodplain and/or wetland;
- ii. A list of the alternatives considered; and
- iii. All mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values.

b. In addition, a minimum of 7 calendar days shall be provided for public comment before the approval of the proposed action. See Exhibit 15 for a sample. This notice may be run concurrent with either the (FONSI/RROF) or the NOI/RROF.

Step 8: Upon completion of the decision making process in Steps 1 through 7, implementation of the proposed action to proceed. There is a continuing responsibility to ensure that the mitigating measures identified in Step 7 are implemented.

RE-EVALUATION OF PREVIOUSLY CLEARED PROECTS

Sometimes projects are revised, delayed or otherwise changed such that a reevaluation of the Environmental Review is necessary. The purpose of the re-evaluation is to determine whether or not the original findings are still valid. If the original findings are still valid, but the data and conditions upon which they were based have changed, the Grantee must update their ERR by including this re-evaluation and its determination based on the changed circumstances.

If it is determined that the original findings are no longer valid, and a reevaluation indicates potentially significant impacts, the Grantee must prepare an EA or EIS that:

- Includes a written statement that explains how this re-evaluation was conducted and includes documentation of the results.
- References the previous Environmental Review record.
- Describes both the old and new project activities, and provides maps delineating both old and new project areas.
- Determines if the FONSI is still valid
- Is signed and dated by the Chief Elected Official (CO).

The written statement is placed in the ERR and a copy sent to GOED-CDBG.

ENVIRONMENTAL REVIEWS PREPARED BY OR FOR OTHER AGENCIES

GOED-CDBG will accept Environmental Reviews prepared by or for other state and federal funding agencies provided that the ERR and associated public notifications meet or exceed the requirements for GOED-CDBG's Environmental Reviews. Sometimes Environmental Reviews prepared by or for other agencies do not contact all the agencies required in GOED's Environmental Review process. It is the responsibility of the Grantee to ensure that all appropriate agencies have been contacted, and that the Environmental Review is complete. Re-publication of the Combined Notice, FONSI and/or the NOI/RROF is necessary. Submission of the RROF/Certification is also necessary before the Notice to Proceed can be issued.

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SUMMARY OF APPLICABLE REGULATIONS

- 24 CFR 58.34 - Regulations governing Exempt activities.
- 24 CFR 58.35(a) - Defines Categorically Excluded Subject To 24 CFR Part 58.5 (CEST)
- 24 CFR 58.35(b) - Defines Categorically Excluded Not Subject To 24 CFR Part 58.5 (CENST)
- 24 CFR 58.36 & 58.40 – Refers to Environmental Assessments
- 24 CFR 58.37 – Refers to Environmental Impact Statements
- 24 CFR 58.38 - Defines requirements for the Environmental Review Record (ERR)
- 36 CFR 800, 801- Regulations governing Historic Properties
- 44 CFR 59-79 – Regulations governing Floodplains
- 42 USC 6901-6987 – Regulations governing Water Supply and Solid Waste Disposal
- 16 USC 1531-1543 – Regulations governing Endangered Species
- 7 CRF 658, 7 USC 4201c2 – Regulations governing Agricultural Lands
- 42 USC 7401-7642 – Regulations governing Air Quality
- 33 USC 1251-1376, 42 USC 300f-300j-10 – Regulations governing Water Quality
- 24 CFR 51 – Regulations governing Noise
- 24 CFR 5 c, d – Regulations governing Hazard